

# The Gazette of India

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### LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th March, 1961:—

#### BILL No. 20 OF 1961

*A bill to provide relief to the tenants of land in the urban areas of the Union territory of Delhi.*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi (Urban Areas) Tenants' Relief Act, 1961. Short title,  
extent and  
commence-  
ment.

Punjab Act 3  
of 1911.  
2 of 1924.

61 of 1957.

5 (2) It extends to the areas in the Union territory of Delhi which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924, but shall not apply to the areas owned by  
10 the Central Government or the Delhi Development Authority constituted under the Delhi Development Act, 1957 or any local authority.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

15 (a) "Chief Commissioner" means the Chief Commissioner of Delhi;

(b) "family" means—

(i) in relation to a person belonging to a joint Hindu family, every member of such family; and

20 (ii) in relation to any other person, the person, the wife or husband, as the case may be, and the dependent children and grand-children, of such person;

(c) "land-holder" means a person under whom a tenant holds land and to whom the tenant is, or but for a special contract would be, liable to pay rent for the land;

(d) "person under disability" means—

(i) a widow;

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(ii) a minor whose father has died;

(iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (iv) or (v);

(iv) a member of the Armed Forces of the Union;

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(v) a person incapable of cultivating land by reason of some physical or mental disability;

(vi) a person prosecuting studies in a recognised institution and not exceeding 25 years of age; or

(vii) a person who is under detention or undergoing imprisonment;

15

(e) "tenant" and "tenancy" include a sub-tenant and a sub-tenancy respectively;

(f) the words "land" and "tenant" and all other words and expressions used but not defined in this Act and defined in the Punjab Tenancy Act, 1887 or the Agra Tenancy Act, 1901 shall have the meanings respectively assigned to them,—

16 of 1887.  
U. P. Act II  
of 1901.

(i) in relation to areas to which the Punjab Tenancy Act, 1887 applies, in that Act; or

(ii) in relation to areas to which the Agra Tenancy Act, 1901 applies, in that Act.

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Grounds of  
ejection of  
tenant. 3. (1) After the commencement of this Act, no person shall be liable to be ejected from any land held by him as tenant except on one or more of the following grounds, namely:—

(a) that a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor;

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(b) where rent is payable in kind, that he has without sufficient cause failed to cultivate the land in the manner or to the extent customary in the locality in which the land is situated;

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(c) that he has sub-let or otherwise transferred the whole or any part of the tenancy in contravention of any law for the time being in force or of any contract;

(d) that he has used the land in a manner which renders it unfit for the purpose for which it was let.

(2) Without prejudice to the provisions of sub-section (1) but subject to the provisions of any law for the time being in force or of any contract between the parties, a tenant may be ejected from the land held by him by a land-holder,—

5 (a) in any case where the land-holder is a religious or charitable institution, on the ground that the institution requires the land *bona fide* for use for a non-agricultural purpose in furtherance of its objects; and

10 (b) in any case where the land-holder was a person under disability at the commencement of the tenancy, on the ground that he requires the land *bona fide* for cultivation by himself or for building a dwelling house, a cattle shed or business premises for use by himself or any member of his family and the proceeding for ejection is instituted within two years from the date  
15 when he ceases or has ceased to be a person under disability.

Provided that no proceeding shall lie under this sub-section in respect of any share of land unless the share has first been partitioned by metes and bounds.

*Explanation.*—For the purposes of this section, the disability of a  
20 person shall cease,—

(a) in the case of a widow, if she re-marries, on the date of her re-marriage or if any person succeeds to the widow on her death, on the date of her death;

25 (b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or re-marriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or  
30 (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

35 (e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist;

(f) in the case of a person who is prosecuting studies in a recognised institution, on the date when he ceases to prosecute studies in that or any other recognised institution;

40 (g) in the case of a person under detention or undergoing imprisonment, on the date when he is released from detention or imprisonment.

Abatement  
of proceed-  
ings.

4. Save as provided in section 3, no tenant of land shall, whether in execution of a decree or order of a court or otherwise, be ejected from the land, and if there is any proceeding for ejectment of such tenant pending immediately before the commencement of this Act and the proceeding could not have been instituted had this Act 5 been in force at the time of the institution of such proceeding, then, notwithstanding anything contained in any law, such proceeding shall, on such commencement, abate.

Restoration  
of land to  
tenant in cer-  
tain cases.

5. (1) Where, after the commencement of this Act, a person under disability or a religious or charitable institution has taken 10 possession of land by ejecting the tenant therefrom under sub-section (2) of section 3 on the ground that the land is required for a purpose specified in that sub-section and such person or institution fails to use the land for that purpose within one year from the date on which such person or institution took possession thereof, the 15 tenant shall be entitled to be restored to possession of the land from which he was ejected, on the same terms on which he held it at the time of ejectment.

(2) Where, on or after the 1st July, 1958 and before the commence- 20 ment of this Act, any tenant of land has been ejected from the land and the ejectment could not have taken place if this Act had been in force on the date of such ejectment, the officer specified in this behalf by the Chief Commissioner may, either on his own motion or on application made by the tenant, restore him to possession of the land 25 from which he has been ejected, on the same terms on which he held it at the time of ejectment.

(3) Nothing in this section shall be construed as entitling a tenant to be restored to possession of any land if it is under cultivation by the owner who is a person under disability or has, on or before the 28th day of March, 1961, ceased to be used for agricultural purposes. 30

Rent.

6. The rent payable by a tenant in respect of land held by him as such shall not exceed one-fifth of the produce of the land or the money equivalent thereof, or where a lower rent is agreed upon between him and the land-holder, the agreed rent.

Act to over-  
ride con-  
tracts, etc.

7. The provisions of this Act shall, save as otherwise expressly pro- 35 vided, have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of court.

Power to  
make rules.

8. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 40

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of 5 the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall 10 be without prejudice to the validity of anything previously done under that rule.

16 of 1887.

U.P. Act II  
of 1901.  
Punjab Act  
XXII  
1950.

9. (1) The provisions of the Punjab Tenancy Act, 1887 and the <sup>Repeal</sup> Agra Tenancy Act, 1901 and the Punjab Tenants (Security of Tenure) Act, 1950, as applicable to the areas to which this Act extends, which 15 are inconsistent with the provisions of this Act are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under any of the provisions so repealed, to the extent to which it is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken 20 in exercise of the powers conferred by this Act as if this Act was in force on the date on which such thing was done or such action was taken.

## STATEMENT OF OBJECTS AND REASONS

The tenancy laws now in force in the urban areas of Delhi, i.e., the areas which, before the 1st November, 1956, were included within the limits of a Municipality or a Notified Area or Cantonment, do not provide adequate protection to the tenants of agricultural lands against eviction by the land-lords, nor do they contain provisions for regulating agricultural rents on a fair and equitable basis. On account of the rapid growth of the city, more and more agricultural lands in the urban areas of Delhi are likely to be diverted to non-agricultural uses. However, so long as the lands are not so diverted, it is necessary to confer security of tenure on agricultural tenants and to regulate the rents payable by them. The Bill seeks to achieve this object and also makes provision for restoration of tenancies to agricultural tenants evicted, otherwise than on specified grounds, from their holdings on or after the 1st July, 1958.

LAL BAHADUR.

NEW DELHI;  
*The 11th March, 1961.*

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Chief Commissioner to make rules for carrying out the purposes of the Act. Such rules will be necessary for prescribing the form of application for restoration of ejected tenants under clause 5 and for regulating other matters of procedure. The delegation of legislative power is, therefore, of a normal character.

**\*BILL No. 21 OF 1961**

*A bill further to amend the Essential Commodities Act, 1955.*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Essential Commodities (Amendment) Act, 1961.

Amendment of section 3. 2. In the Essential Commodities Act, 1955, in section 3, in sub-section (2),—

(a) after clause (i), the following clause shall be inserted, namely:—

10 of 1955.

“(ii) for the grant or issue of licences, permits or other documents, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;”;

(b) in clause (j),—

(i) after the word “aircraft”, the word “and” shall be inserted; and

(ii) the words “the grant or issue of licences, permits or other documents, and the charging of fees therefor” shall be omitted.

\*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.



## STATEMENT OF OBJECTS AND REASONS

At present there is no power on the part of the Government to include in an order made under section 3 of the Essential Commodities Act, 1955 any provision requiring the holder of any licence, permit or other document to furnish security deposit for the due performance of the conditions thereof and for the forfeiture of the whole or any part of the security deposit for the contravention of any such conditions, although such forfeiture would appear to be quite sufficient in cases of contravention of a minor or technical nature instead of drastic remedies by way of prosecution of the person concerned, or suspension or cancellation of his licence, permit, etc. The Bill seeks to amend section 3 of the Act in order to take power for the Government in this behalf.

NEW DELHI;

S. K. PATIL.

*The 8th March, 1961*

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Under section 3 of the Essential Commodities Act, 1955 as proposed to be amended by this Bill, the Government will have the power to include in an order made under that section additional matters relating to security deposit, forfeiture thereof in cases of contravention of conditions of any licence, permit, etc., and adjudication of such forfeitures. The delegation of legislative power is of a normal character.

## FINANCIAL MEMORANDUM

The provision proposed in the Bill contemplates adjudication of forfeiture of security deposit by authorities specified by Government in this behalf. Ordinarily, it is expected that such adjudication will be made by the existing authorities of the Central Government and the State Governments without involving additional cost. In special cases, however, it may be necessary to appoint special authorities for this purpose, but even in those special cases the expenditure involved will not be appreciable, and it is not possible to give any estimate of such expenditure at this stage.

\*BILL No. 23 OF 1961

*A bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Orissa for the services of a part of the financial year 1961-62.*

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title.      1. This Act may be called the Orissa Appropriation (Vote on Account) Act, 1961.

Withdrawal of Rs. 15,63,58,000 from and out of the Consolidated Fund of the State of Orissa for the financial year 1961-62.      2. From and out of the Consolidated Fund of the State of Orissa 5 there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifteen crores, sixty-three lakhs and fifty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1961-62. 10

Appropriation.      3. The sums authorised to be withdrawn from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

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\*The President has, in pursuance of clauses (1) and (3) of article 207 of the Constitution of India, read with article 206 thereof, recommended to Lok Sabha, the introduction and consideration of the Bill.

**THE SCHEDULE**  
( See sections 2 and 3 )

5	I No. of Vote	2 Services and purposes	3 Sums not exceeding		
			Voted by Parliament	Charged on the Consoli- dated Fund	Total
			Rs.	Rs.	Rs.
10	1	Election and Other Expenditure relating to the Home Department . . . . .	6,67,000	1,02,000	7,69,000
	2	Jails . . . . .	6,22,000	..	6,22,000
	3	Police . . . . .	38,46,000	..	38,46,000
15	4	Expenditure relating to the Planning and Co-ordination and Political & Services Departments . . . . .	8,00,000	29,000	8,29,000
20	5	Community Development Projects, etc. . . . .	73,41,000	..	73,41,000
	6	River Valley Development . . . . .	2,78,000	..	2,78,000
	7	Expenditure on displaced persons. . . . .	85,000	..	85,000
	8	Stamps . . . . .	29,000	..	29,000
25	9	Ministers, Civil Secretariat and Other Expenditure relating to the Finance Department. . . . .	12,06,000	66,000	12,72,000
	10	Pensions . . . . .	6,90,000	5,000	6,95,000
	11	Expenditure relating to the Education Department . . . . .	91,15,000	..	91,15,000
30	12	Taxation . . . . .	2,49,000	..	2,49,000
	13	Land Revenue . . . . .	30,84,000	..	30,84,000
	14	Excise . . . . .	3,58,000	..	3,58,000
	15	Registration . . . . .	1,01,000	..	1,01,000
35	16	District Administration and Other Expenditure relating to the Revenue Department. . . . .	42,26,000	8,33,000	50,59,000
	17	Expenditure relating to the Industries Department . . . . .	34,01,000	..	34,01,000
40	18	Civil and Sessions Court and Other Expenditure relating to the Law Department . . . . .	4,66,000	..	4,66,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding			5
		Voted by Parliament	Charged on the Consol- idated Fund	Total	
		Rs.	Rs.	Rs.	
19	Stationery and Printing and Other Expenditure relating to the Commerce Department . . . . .	7,06,000	..	7,06,000	10
20	Labour and Emigration and Em- ployment Organisation . . . . .	3,38,000	..	3,38,000	
21	Tribal and Rural Welfare Department . . . . .	39,80,000	..	39,80,000	
22	Medical and Other Expenditure relating to the Health Department . . . . .	29,78,000	..	29,78,000	15
23	Public Health . . . . .	13,22,000	..	13,22,000	
24	Irrigation . . . . .	1,12,63,000	2,000	1,12,65,000	
25	Civil Works . . . . .	1,11,03,000	32,000	1,11,35,000	20
26	State Legislature . . . . .	1,09,000	5,000	1,14,000	
27	Public Works common Establish- ment and Other Expenditure relating to the Works Depart- ment . . . . .	10,11,000	..	10,11,000	25
28	Electricity Schemes . . . . .	49,76,000	..	49,76,000	
29	Taxes on Vehicles . . . . .	2,20,000	..	2,20,000	
30	Transport Schemes . . . . .	20,16,000	..	20,16,000	
31	Forest . . . . .	21,28,000	1,000	21,29,000	
32	Fisheries . . . . .	4,84,000	..	4,84,000	30
33	Co-operation . . . . .	7,57,000	..	7,57,000	
34	Contribution to Local Bodies. . . . .	2,75,000	..	2,75,000	
35	Animal Husbandry . . . . .	14,92,000	..	14,92,000	
36	Public Relations <sup>1)</sup> . . . . .	2,90,000	..	2,90,000	
37	Agriculture . . . . .	25,68,000	..	25,68,000	35
38	Supply Department . . . . .	3,63,000	..	3,63,000	
	Interest on Debt and other obliga- tions . . . . .	..	1,09,01,000	1,09,01,000	
	Appropriation for reduction or avoidance of Debt. <sup>2)</sup> . . . . .	..	27,86,000	27,86,000	40
39	Hirakud Dam Project . . . . .	12,70,000	..	12,70,000	

1	2	3		
		Sums not Exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
No. of Vote	Services and purposes			
5		Rs.	Rs.	Rs.
40	Community Development Projects . . . . .	4,40,000	..	4,40,000
10 41	Loans to Local Funds, Govern- ment servants, etc. . . . .	28,75,000	..	28,75,000
42	Compensation for abolition of Zamindari system and Other Expenditure relating to Re- venue Department . . . . .	14,91,000	..	14,91,000
15 43	Electricity schemes outside the Revenue Account and Other Expenditure relating to the Works Department . . . . .	2,62,95,000	4,000	2,62,99,000
20 44	Agricultural improvements and research . . . . .	11,64,000	..	11,64,000
45	State schemes of Government trading . . . . .	50,99,000	..	50,99,000
46	Road Transport schemes . . . . .	33,000	..	33,000
25 47	Capital outlay on Public Health and Capital Account of Civil works relating to Health (L.S.G.) Department . . . . .	5,66,000	..	5,66,000
48	Capital outlay on Industrial Development . . . . .	4,53,000	..	4,53,000
30 49	Capital outlay on Ports (Chand- bali) . . . . .	16,000	..	16,000
50	Capital outlay on Ports (Paradip)	13,68,000	..	13,68,000
51	Subsidised Industrial Housing Scheme. . . . .	83,000	..	83,000
35 53	Capital Account of Other Works relating to Home Department . . . . .	60,000	..	60,000
54	Capital outlay on Forest . . . . .	2,20,000	..	2,20,000
55	Capital Expenditure relating to Development (Co-operation) Department. . . . .	3,12,000	..	3,12,000
40				

I	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
57	Capital Expenditure relating to Development (Veterinary) Department.	₹1,27,000	..	1,27,000
58	Capital Account of other works relating to the Planning and Coordination (Gram Pan- chayat) Department.	₹1,17,000	..	1,17,000
60	Capital Account of Civil works.	₹68,75,000	₹44,000	69,19,000
	Loans from the Central Gov- ernment (Repayment)	..	75,59,000	75,59,000
	Other loans.	..	1,82,000	1,82,000
	GRAND TOTAL	13,38,07,000	2,25,51,000	15,63,58,000



## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204(1) of the Constitution, read with article 206 thereof and the Proclamation issued by the President on the 25th February, 1961, in exercise of the powers conferred on him by article 356 of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State of Orissa, of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by the Lok Sabha in respect of the estimated expenditure of the Government of Orissa for a part of the financial year 1961-62.

MORARJI DESAI.

M. N. KAUL,  
*Secretary.*

